

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DUSTIN ALSTROM and
NICHOLAS ALSTROM, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SUSANNE CHRZAN,

Respondent-Appellant.

UNPUBLISHED

January 25, 2005

No. 257117

Alpena Circuit Court

Family Division

LC No. 02-005586

Before: Zahra, P.J., and Neff and Cooper, JJ.

PER CURIAM.

Respondent Susanne Chrzan appeals as of right from the trial court order terminating her parental rights to her minor children under MCL 712A.19b(3)(g). We affirm.

The trial court did not clearly err in determining that at least one statutory ground for termination of parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent received Day One parenting services from the time her first child was born in 1999, and throughout these proceedings. Protective services became involved in 2002, when respondent's second child was diagnosed with failure to thrive caused by environmental factors in the home.

Respondent complied with many of the requirements of her treatment plan, clearly loved the minor children, and desired to become able to effectively parent them. Respondent had a dependent personality and functioned below average intellectually. The evidence presented at the termination trial by respondent's counselor, the psychologist who evaluated respondent, and other service providers showed that respondent made significant progress during the few months she separated from the children's father, who was described as overbearing and controlling, but would never be able to properly parent the children without daily hands-on assistance. The psychologist noted that respondent demonstrated a "dramatic lack of effective discrimination about who she depends on." She had difficulty caring for her own needs without assistance. Against the advice of her mother, sister, and attorney, respondent reunited with the children's father, and her progress diminished during the last six months of these proceedings.

The children's father released his parental rights to the children and moved out of the area just a few weeks prior to the termination hearing. Respondent testified at the termination hearing that he was out of her life forever, and that she would surround herself with good influences, and engage in counseling and in-home services. However, respondent had the opportunity to benefit from services since 1999, and more intensive services since March 2002. She made some progress, but remained unable to provide proper care for the children. Additionally, based on her past actions, there was no reasonable expectation that respondent would be able to provide proper care and custody continually and in a reasonable time, given the children's ages.

Further, the evidence did not show that termination of respondent's parental rights was clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A review of the entire record shows that the children grew substantially and achieved developmental milestones in foster care. The evidence showed that respondent had made poor decisions in the past despite a good family support system, that she continued to display a dependent personality, and that she would not be able to parent the children without intensive assistance in a reasonable time, given the children's ages. Respondent had been unable to completely benefit from services during periods when she was compliant and, based on her past performance, there was little likelihood that she would remain compliant. There was a reasonable expectation that the children would be neglected again in her care, and suffer further instability. Therefore, the trial court properly found that termination of respondent's parental rights was clearly in the children's best interests.

Affirmed.

/s/ Brian K. Zahra
/s/ Janet T. Neff
/s/ Jessica R. Cooper